



# THE PORT OF ASTORIA

*At the entrance to the mighty Columbia River*

P. O. BOX 569 ASTORIA, OREGON 97103 PHONE (503)325-4521

## COMMISSIONERS:

HOWARD B. JOHNSON, PRESIDENT  
ALBERT RISSMAN, VICE-PRESIDENT  
J. FRANK HOAGLAND, SECRETARY  
FRANK MCINTYRE, TREASURER  
JAMES T. CAMPBELL, ASST. TREASURER  
GEORGE R. GROVE, GENERAL MANAGER

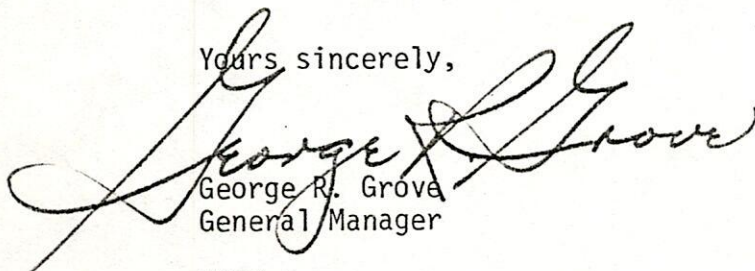
June 16, 1976

Williams, Dimond & Company  
406 Oregon Pioneer Building  
Portland, Oregon 97204

Gentlemen:

At approximately 4:00 p.m., on June 11, the vessel "Constellation" while berthing at Pier 1, struck the pier damaging or breaking caps and piling and buckling the dock planks. An initial estimate of damages by a local construction firm has been placed at \$4,000. This letter will serve as notice, holding you responsible for payment of the damages. If you so desire, you may have a surveyor contact us to physically view the damages and, in turn, advise you of his findings. We would like to have the matter handled as expeditiously as possible. Enclosed are some photos showing the damage.

Yours sincerely,



George R. Grove  
General Manager

GRG/sj  
/enclosures



constellation

6/11/76



## REPORT NO.

Constellation

L.O.A.

554'

W/S 1

DATE \_\_\_\_\_

6/11/76

TIME

4:45

A.M. COL

CEDED: DATE

TIME

A. M.

CARGO LOADED.

DATE \_\_\_\_\_

6/15/76

TIME

4:10

A.M. CC

1, PLD: DATE,

TIME

A. M.

|                    |    |
|--------------------|----|
| TRANSPORTATION     | \$ |
| TRAVEL TIME        | \$ |
| SUBSIST.           | \$ |
| LABOR<br>MAN HRS   | \$ |
| FOREMAN<br>MAN HRS | \$ |
| S/V<br>MAN HRS     | \$ |
| CHECKER<br>MAN HRS | \$ |
| LINES<br>MAN HRS   | \$ |
| TOTAL<br>LABOR     | \$ |

REMARKS

[illegible]



m/s Constellation Its Owners  
Agents and Operators  
Williams, Winward & Co.  
332 Oregon Pioneer Bldg.  
Portland, Or. 97204

No. 75-1120

LINE SERVICE

Date

TIME

Tie Up

6/11/76

( 1645 )

\$ 161.00

Let Go

6/15/76

( 1610 )

\$ 116.00

\$ 277.00

No. \_\_\_\_\_

FRESH WATER FURNISHED

(Date) \_\_\_\_\_

Tons or \_\_\_\_\_

Gal.

Service Charge

\$ \_\_\_\_\_

No. 75-1121

DOCKAGE:

554

Feet L.O.A.

Rate

\$ 424.00

c/foot per 24-hour period

FROM:

6/11/76 (1645)

to

6/15/76 (1610)

4 Periods

\$ 1,696.00

No. \_\_\_\_\_

Bill To -

WHARFAGE CHARGE ON \_\_\_\_\_

\$ \_\_\_\_\_

No. \_\_\_\_\_

Bill To -

SERVICE & FACILITIES CHARGE ON \_\_\_\_\_

\$ \_\_\_\_\_

No. \_\_\_\_\_

Bill To -

\$ \_\_\_\_\_

No. \_\_\_\_\_

Bill To -

\$ \_\_\_\_\_





# THE PORT OF ASTORIA

*At the entrance to the mighty Columbia River*

P. O. BOX 569 ASTORIA, OREGON 97103 PHONE (503) 325-4521

No. 76-1120

In Account With

M/V CONSTELLATION Its Owners  
Agents and/or Operators  
Williams, Dimond & Co.  
332 Oregon Pioneer Bldg.  
Portland, Or. 97204

Date 6/16/76

TERMS: CASH.

---

## LINE SERVICE

|   |         |        |        |               |
|---|---------|--------|--------|---------------|
| — | 6/11/76 | (1645) | Tie Up | \$161.00      |
|   | 6/15/76 | (1610) | Let Go | <u>116.00</u> |
|   |         |        |        | \$277.00      |





# THE PORT OF ASTORIA

*At the entrance to the mighty Columbia River*

P. O. BOX 569 ASTORIA, OREGON 97103 PHONE (503) 325-4521

No. 75-1121

In Account With

M/V CONSTELLATION Its Owners  
Agents and/or Operators  
Williams, Dimond & Co.  
332 Oregon Pioneer Bldg.  
Portland, Or. 97204

Date 6/16/76

TERMS: CASH.

---

DOCKAGE: 554 feet L.O.A. Rate \$424.00 per 24 hr. period

6/11/76 (1645) to 6/15/76 (1610) 4 periods/424.00

\$1,696.00



PORT OF ASTORIA

BOOKING REPORT

DATE

6/4/74

1. NAME OF SHIP

Constellation

2. NAME OF CALLER

3. NAME OF AGENT

Williams Desmond

4. NAME OF SHIPPER

5. TYPE OF CARGO

Grain

6. AMOUNT OF CARGO

7. NAME OF STEVEDORE

8. NAME OF SUPERCARGO

9. DATE OF ARRIVAL

6/11

10. BERTH ASSIGNMENT (TENTATIVE)

W/S 1

11. SPECIAL ARRANGEMENTS

12. BILLING INFORMATION:

WHARFAGE

SERVICE & FACILITIES

HANDLING



TRIPPLICATE

MATES RECEIPT

Nº 2327

Astoria, Oregon, JUNE 15, 1976

Received from **Kerr Grain Corporation**  
at **Port of Astoria Grain Terminal**

For Account of BUNGE CORPORATION

On Board M/S CONSTELLATION

BULK WHEAT said to be WHITE WHEAT

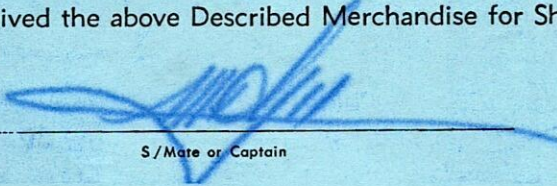
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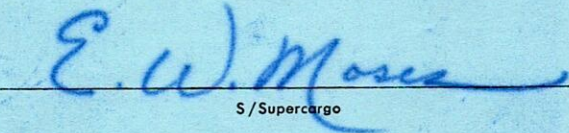
18,518.640#

8267.25 L/T

Final / Overnite

Received the above Described Merchandise for Shipment as indicated hereon.

  
S / Mate or Captain

  
S / Supercargo



## PORT OF ASTORIA

LINE SERVICE

DATE 6-11-76VESSEL NAME CONSTELLATION H.P. MONROVIAPIER 1 wheat TIE UP ☒

LET GO

| NAME         | NO.              | TIME ORDERED |    | TIME FINISHED |      | RATE        | AMOUNT |
|--------------|------------------|--------------|----|---------------|------|-------------|--------|
|              |                  | AM           | PM | AM            | PM   |             |        |
| W. JANSSSEN  | 84122            | .            | 4  |               | 4.45 | Line Leader |        |
| W. Jorgensen | 6357             |              |    |               |      |             |        |
| A. Middleton | <del>84142</del> |              |    |               |      |             |        |
| M. Olvey     | 84135            |              |    |               |      |             |        |
| R. Phillips  | 84090            |              |    |               |      |             |        |
| R. Bish      | 32548            |              |    |               |      |             |        |
|              |                  |              |    |               |      |             |        |
|              |                  |              |    |               |      |             |        |
|              |                  |              |    |               |      |             |        |
|              |                  |              |    |               |      |             |        |
|              |                  |              |    |               |      |             |        |
|              |                  |              |    |               |      |             |        |

## REMARKS:

- Vessel Bow Spot \_\_\_\_\_
- Any Damage Noted YES ship hit pier buckling Dock planks
  - Extent of Damage Buckled - Dock PLANKS
  - Place of Damage DOCK
  - At what foot mark on Pier 250
  - Any witnessess R. Phillips, W. JANSSSEN, A Middleton
- Vessel Shifted from \_\_\_\_\_ to \_\_\_\_\_
- Standby due to \_\_\_\_\_



MILLER, ANDERSON, NASH, YERKE & WIENER  
ATTORNEYS AND COUNSELORS AT LAW

900 S. W. FIFTH AVENUE  
PORTLAND, OREGON 97204

CABLE ADDRESS "KINGMAR"

TELEPHONE (503) 224-5858

RALPH H. KING  
ROBERT S. MILLER  
GRANT T. ANDERSON  
FRANK E. NASH  
FREDRIC A. YERKE  
NORMAN J. WIENER  
ORVAL O. HAGER  
JOHN W. HILL  
CURTIS W. CUTSFORTH  
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R. ALAN WIGHT  
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DOUGLAS M. RAGEN

J. FRANKLIN CABLE  
RICHARD A. EDWARDS  
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GRAHAM M. HICKS  
DAVID C. CULPEPPER  
RICHARD A. CANTLIN, JR.  
HUGH C. DOWNER, JR.  
JOHN B. MARKS  
HENRY C. BREITHAUPT

July 12, 1976

The Port of Astoria  
Post Office Box 569  
Astoria, Oregon 97103

Attention: Mr. George R. Grove,  
General Manager

Subject: M/V CONSTELLATION  
Dock damage at  
Astoria, Oregon  
June 11, 1976

Gentlemen:

Please be informed that we represent the M/V  
CONSTELLATION with respect to this matter. Please direct  
any further communication on this matter to us.

Very truly yours,

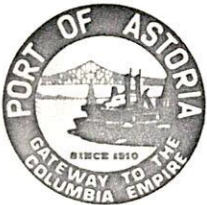
MILLER, ANDERSON, NASH,  
YERKE & WIENER

By

*Christie H. Wiater*







# THE PORT OF ASTORIA

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P. O. BOX 569 ASTORIA, OREGON 97103 PHONE (503)325-4521

COMMISSIONERS:

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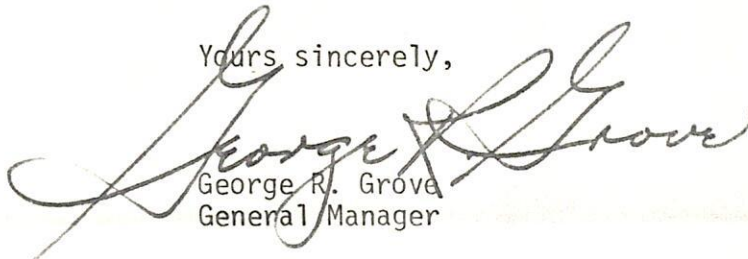
June 16, 1976

Williams, Dimond & Company  
406 Oregon Pioneer Building  
Portland, Oregon 97204

Gentlemen:

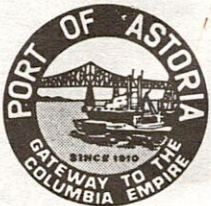
At approximately 4:00 p.m., on June 11, the vessel "Constellation" while berthing at Pier 1, struck the pier damaging or breaking caps and piling and buckling the dock planks. An initial estimate of damages by a local construction firm has been placed at \$4,000. This letter will serve as notice, holding you responsible for payment of the damages. If you so desire, you may have a surveyor contact us to physically view the damages and, in turn, advise you of his findings. We would like to have the matter handled as expeditiously as possible. Enclosed are some photos showing the damage.

Yours sincerely,

  
George R. Grove  
General Manager

GRG/sj  
/enclosures





# THE PORT OF ASTORIA

*At the entrance to the mighty Columbia River*

P. O. BOX 569 ASTORIA, OREGON 97103 PHONE (503) 325-4521

No. 75-1239

In Account With

DISPUTED CLAIM

Miller, Anderson, Nash

Yerkie & Wiener

900 S. W. Fifth Ave.

Portland, Or. 97204

Date 6/30/76

TERMS: CASH.

224,585.8

Damage by M/V CONSTELLATION

\$4,150.00





# WILLIAMS, DIMOND & CO.

ESTABLISHED 1862 INCORPORATED 1954

200 MARKET BUILDING, SUITE 1480  
200 S.W. MARKET STREET  
PORTLAND, OREGON 97201

LOS ANGELES  
SAN FRANCISCO  
PORTLAND  
SEATTLE  
CABLE ADDRESS  
"KAIMANA"

June 30, 1976

Miller, Anderson, Nash, Yerke & Wiener  
900 S.W. Fifth Avenue  
Portland, Oregon 97204

Attention: Ms Christie Wieter

Re: MV Constellation  
dock damage at  
Astoria June 11, 1976

Dear Christie:

Further to our telephone conversation in connection with the above vessels alleged collision with the dock at Astoria, please find enclosed original claim notice dated June 16, 1976 from the Port of Astoria.

For your guidance, the photographs to which they refer were given to Mr. Billstein the surveyor who conducted the after damage survey.

Kindly handle this matter on behalf of owners directly with the parties concerned.

Yours very truly,

WILLIAMS, DIMOND, & CO.

I. H. Begbie

IHB/lcc

Enclosure

cc: Port of Astoria







# *Bergerson Enterprises*

*"for a job well done"*

Office: (503) 325-7130  
Shop: (503) 325-7133

3391 Irving Avenue  
Astoria, Oregon 97103

24 Hour Service

July 14, 1976

Port of Astoria  
P.O. Box 569  
Astoria, Oregon 97103

ATTN: Gail Packard

## Q U O T A T I O N

Please accept the following quotation for repairing ship damaged dock on the West side of Pier I by grain loader and returning to original condition.

1. Remove old decking.
2. Remove bull rail, joists & caps and replace damaged material.
3. Re-align dock and return to original condition.

Total price for above projects

\$4,150.00

  
Darryl Bergerson  
Bergerson Enterprises





MILLER, ANDERSON, NASH, YERKE & WIENER  
ATTORNEYS AND COUNSELORS AT LAW

900 S. W. FIFTH AVENUE  
PORTLAND, OREGON 97204

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GERALD A. FROEBE  
CONRAD L. MOORE  
DEAN D. DECHANE  
R. ALAN WIGHT  
DAVID W. MORTHLAND  
DOUGLAS M. RAGEN

July 27, 1976

Mr. Gail V. Packard  
Traffic Manager  
The Port of Astoria  
Post Office Box 569  
Astoria, Oregon 97103

Subject: M/V CONSTELLATION  
Dock damage at  
Astoria, Oregon  
June 11, 1976

Dear Mr. Packard:

Pursuant to our recent conversation, I enclose a copy of the report of survey prepared by Homer V. Tunks, with Herbert H. Billstein & Associates, Ltd.

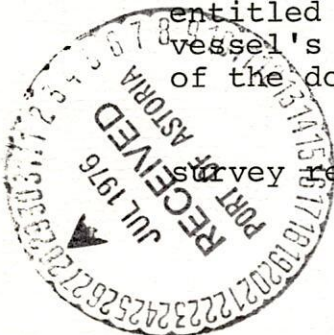
As you will note, Mr. Tunks has detailed in his survey the construction particulars of the relevant portions of the subject dock and has concluded that the design of the dock is such that the cost of repair was increased substantially beyond what would have been the cost had the dock construction conformed to dock specifications now uniformly in use.

Based upon this survey and our investigation, it is owners' position that the vessel is not liable for damages incurred by the dock because the dock did not meet its affirmative obligation to provide the vessel with a berth conforming to accepted modern maritime standards and constructed so as to safely receive large vessels which are common to present maritime trade. It is also owners' position that the dock is not entitled to receive a new dock portion as a result of the vessel's having damaged a substantially depreciated portion of the dock.

After you have had an opportunity to review the survey report, please call me.

Very truly yours,

*Richard H. Wiener*





HERBERT H. BILLSTEIN & ASSOCIATES, LTD.  
*Marine Surveyors and Consultants*

PHONES 503/227-0287 • 228-6409  
SEATTLE/TACOMA: ZENITH 9039  
CABLE: TOMAS PORTLAND

320 S.W. STARK—SUITE 520  
PORTLAND, OREGON 97204

REPORT NO. 1403

## Report of Survey

DOCK DAMAGES  
PORT OF ASTORIA  
vs.  
M/V CONSTELLATION

This is to certify that the undersigned surveyor did, at the request of Williams Dimond Co., agents for the owners of the m/v CONSTELLATION, attend at the Port of Astoria to survey Dock No. 1 damages, alleged to have been sustained in consequence of the m/v CONSTELLATION striking said dock on June 11, 1976 during berthing operations, to determine the nature and extent of such alleged damages.

### SURVEYOR'S NOTES:

1. The enclosed photographs are intended as part of this report.
2. A review of the background of Pier 1, Astoria, disclosed that construction was completed in 1915 and the grain elevator thereon completed in 1921. This surveyor feels this factor is of eminent importance.

A. DOCK CONSTRUCTION: (Refer to accompanying sketch drawings and photos)

1. Support structure:

The dock is of all timber construction with transverse bents at approximately 15'-9" spacings. The bent near the center of the apparent force of the impact is supported on a row of 9 piling. These piling are cut off approximately 10'± below the deck and capped with a heavy timber, approximately 4" x 16". No damage or displacement is evident in this lower support structure.



Bent structure: (above lower structure)

This framed bent as defined herein, located at plank 29, consists of 6 14 x 14 posts supported by the lower cap on the 9 under piling. The framed bent is capped by a 12 x 14 member and is cross braced from the docks rail edge to the line of the building piling, with 2 6 x 14, one on each side of the posts and bolted to the cap and to the posts except at the dock side pile.

2. Deck structure:

Decking consists of 4 x 12 planks, new treated and old creosoted, supported by 11 4 x 16 stringers or runners spaced at approximately 24" centers and 1 edge member 10" x 16".

3. Fenders and backlog:

The fendering consists of 12 x 12 members between the fender piling and secured by bolting to a 12 x 14 backlog. The 12 x 14 backlog is fastened through the decking to the 10 x 16 outboard deck and fender support runner. A number of short pieces were used in construction of the fender. At plant 38 to 39, there is 1 piece 12" long and 1 piece 19" long. This limits the bending resistance strength of this member in this area to practically zero. The backlog also has a number of short pieces used in its construction, between planks 40 to 48 and limits its bending rigidity.

4. Fender piling:

Outboard fender piling are located at irregular spacing through the damaged areas. Spacing are from approximately 4½ to 7½ feet c - c.

These piling are bolted near the top with 1 bolt to the 12 x 14 backlog.

B. GENERAL CONDITION OF STRUCTURE: (except where damaged by collison)

1. Bent structure:

Posts, cap and braces were found to be sound.

2. Deck stringers were sound.

Decking consisted of new treated members in excellent condition and older creosoted members in sound condition. Deck planking has been replaced in past years due to



damages and the repair work has resulted in numerous short lengths being used. Some were not spliced at the supports. Planking nails have loosened as a result of the many years use. New planks were somewhat deficient in nailing. (See photos)

3. Building walls: (Refer to photos)

The walls from 1 ft.  $\pm$  below the decking are constructed of tile block. These walls have sustained numerous damages and have numerous patches and a number of damaged places exist. A patching crew was working nearby on these block walls.

The patches in some cases, while unattractive, are of materials, mortar and concrete, that are stronger than the original block walls.

4. Building floor:

Floor consists of asphalt over planking. If planking is disturbed asphalt is displaced.

C. COLLISION IMPACT EFFECT ON STRUCTURE BUILDING WALL:

Referring to plan sketch, it can be noted that the maximum deflection exists and probably occurred in the vicinity of door 118.

In examining the structure, and the resulting drawings and photographs, there are a number of rather obvious observations that explain the type of damages suffered by the structure and by the building walls.

1. The building block walls extend below the level of the plank deck. Therefore, whenever a plank is displaced a few inches toward the building, block damage will occur.

2. The deck plank ends are close to the wall and close to the fender piling. Therefore, whenever a fender pile is displaced the force is transmitted directly through the plank to the wall on deck and damage will occur. Damage to the building wall or deck at corresponding locations of each impacted fender pile is evident.

3. The fender backlog and supporting member under the backlog apparently can be displaced without displacing the bents - unless the impact is directly against a bent. From the drawing it can be noted that the backlog slipped over some planking toward the building, some buckled and others split at the location of fasteners.



4. At bent 2, near plank 29, the fender pile was deflected sufficiently to allow contact with the bent cap. The bent cap was pushed toward the building and resulting in a split in the cross bracing and a displacement at the bolt by approximately  $2\frac{1}{2}$ ".

The support under the backlog is deflected approximately 7" and the first 4 x 16 stringer is deflected approximately 3".

The deck planks 29 and 30 hit a concrete patch on the building and deflected upward. These and other planks in this area resisted. The stringers in this area are held by the decking and rotated inward by the bent cap. Rotation appears to be approximately 2"  $\pm$ . Total unrecovered bent deflection (while probably not accurately measurable) is estimated at approximately 3 to 4 inches.

5. The effect of older short plank butted to new or other plank contributed to their ability to pop up, as can be noted on the photos.

6. The effect of use of short piece for construction of fender 4 backlog has contributed to the weakening of the member and allows the member to be more easily displaced.

ESTIMATE:

A review of those repairs required as appear to be directly related to the subject incident are estimated to be as follows:

|            |               |                 |
|------------|---------------|-----------------|
| Man Hours: | 162 x 17/hr = | \$2,754.00      |
| Material:  |               | <u>1,000.00</u> |
| TOTAL:     |               | \$3,754.00      |

CONCLUSION:

The subject dock has, in the past, had numerous like incidents resulting in damages of variable degrees.

It is the opinion of this surveyor that, although damages are admittedly sustained during some berthing and unberthing operations, such damages would be minimized if the dock were designed and strengthened to berth vessels of large size common to the marine traffic of the day.



REPORT NO. 1403  
M/V CONSTELLATION  
Page Five

As noted in surveyor's Note 2, the subject dock was completed in 1915. The design of docks constructed in that era did not include the needs of strengthening as do those docks designed and constructed during these last two decades. Such changes in design have been brought about due to changes in ship design and size.

It is the opinion of the undersigned that, due to defficient dock design for the berthing of the subject vessel at Port of Astoria Dock No. 1, the cost of materials only be the obligation of the vessel.

Survey carried out and report issued without prejudice.

HERBERT H. BILLSTEIN & ASSOCIATES, Ltd.

By: Homer V Tunks  
Homer V. Tunks, P.E.  
Attending Surveyor  
and Consultant

HVT:dmc





# THE PORT OF ASTORIA

*All the entrance to the mighty Columbia River*

P. O. BOX 569 ASTORIA, OREGON 97103 PHONE (503)325-4521

## COMMISSIONERS:

HENRY C. DESLER, PRESIDENT  
DAVID D. CORKILL, VICE-PRESIDENT  
HOWARD B. JOHNSON, SECRETARY  
FRED C. SHAYLOR, TREASURER  
CHARLES J. THOMPSON, ASST. TREASURER  
GEORGE R. GROVE, EXECUTIVE DIRECTOR

September 25, 1979

WORKING FILE

Miller, Anderson, Nash,  
Yerke & Wiener  
900 S.W. Fifth Avenue  
Portland, Oregon 97204

ATTN: Christie H. Wiater

RE: M/V CONSTELLATION  
Dock Damage at  
Astoria, Oregon  
June 11, 1976

Gentlemen:

A review of our files indicates that it has been some time since we have had any correspondence regarding the damage of the M/V CONSTELLATION at Astoria, Oregon.

We have billed you \$4,150.00 for this damage. We would appreciate a reply regarding the owner's willingness to pay this claim.

Thank you for handling this matter.

Sincerely,

Gail V. Packard  
Traffic Manager

GVP:peg



8

**MILLER, ANDERSON, NASH, YERKE & WIENER**  
**ATTORNEYS AND COUNSELORS AT LAW**

900 S. W. FIFTH AVENUE  
PORTLAND, OREGON 97204

TELEPHONE (503) 224-5858  
TELECOPIER

ROBERT S. MILLER  
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DAVID W. MORTHLAND  
DOUGLAS M. RAGEN  
J. FRANKLIN CABLE  
RICHARD A. EDWARDS  
DAVID M. MUNRO  
JOHN R. BAKKENSEN  
LOUIS B. LIVINGSTON  
G. TODD NORVELL  
PETER C. RICHTER

CABLE ADDRESS "KINGMAR"

TELEX 364462

November 2, 1979

DONALD A. BURNS  
RICHARD A. CANADAY  
RICHARD A. CANTLIN, JR.

M. CHRISTIE HELMER  
GRAHAM M. HICKS  
DAVID C. CULPEPPER  
JAMES N. WESTWOOD  
J. BARRETT MARKS  
DENNIS P. RAWLINSON  
DONNA M. CAMERON  
JOHN J. DEMOTT  
MICHAEL O. MORAN  
BRUCE A. RUBIN  
THOMAS C. SAND  
MICHAEL E. ARTHUR  
JOHN A. LUSKY  
STEVEN O. ROSEN  
EVERETT R. MORELAND  
JOHN F. NEUPERT  
ROGER P. JAUCH  
MARY ANN FRANTZ  
BRIAN B. DOHERTY  
KEVIN D. PADRICK  
JEFFREY J. DRUCKMAN  
JANETTE M. AALBREGTSE  
DAVID W. ANDERSON  
CHARLES BRICKEN  
JEFFREY C. THEDE

Mr. Gail V. Packard  
The Port of Astoria  
Post Office Box 569  
Astoria, Oregon 97103

Subject: M/V CONSTELLATION  
Dock Damage at Astoria, Oregon  
June 11, 1976

Dear Mr. Packard:

Thank you for your recent letter.

Owners' position in this case has not changed. As you may recall from my letter of July 27, 1976, independent evidence establishes that the damaged dock was so old and in such poor condition that it could not withstand normal berthing contact. Further, because of the damaged dock's age and condition, it was due for replacement even without contact by the CONSTELLATION.

Thus, it is owners' position that the vessel is not liable for this claim.

Very truly yours,

MILLER, ANDERSON, NASH, YERKE & WIENER

By

*M. Christie Helmer*  
M. Christie Helmer

